

IN THE SUPREME COURT OF THE STATE OF WASHINGTON

In re

DENNIS K. PFLUG,  
  
Lawyer (Bar No. 11930).

Supreme Court No.

ASSOCIATION'S PETITION  
FOR INTERIM SUSPENSION  
[ELC 7.2(a)(3)]

Under Rule 7.2(a)(3) of the Rules for Enforcement of Lawyer Conduct (ELC), the Washington State Bar Association (Association) petitions this Court for an Order of Interim Suspension of Respondent DENNIS K. PFLUG pending cooperation with the disciplinary investigation.

This Petition is based on the Declaration of Disciplinary Counsel Kevin M. Bank, filed with this Petition.

RECEIVED  
SUPREME COURT  
STATE OF WASHINGTON  
2009 FEB 24 AM 7:58  
BY DONALD R. CARPENTER  
CLERK

## **STATEMENT OF GROUNDS/ARGUMENT**

Respondent DENNIS K. PFLUG failed to respond to the Association's requests that he respond to a grievance filed against him, and failed to appear at both non-cooperation depositions to which he was subpoenaed.

Respondent failed to produce a written response to the grievance against him in accordance with ELC 5.3(e). A subpoena duces tecum was issued by Disciplinary Counsel under ELC 5.3(f)(1) compelling Respondent to appear at a deposition. The subpoena was served on November 19, 2008 with Respondent to appear at a deposition scheduled for December 3, 2008. On the day of his scheduled deposition Respondent called requesting an extension. Disciplinary Counsel granted Respondent an extension to provide a complete written response to the grievance by December 10, 2008. Respondent was notified by letter that failure to provide a written response by that date would result in another non-cooperation deposition. Respondent failed to comply.

On December 29, 2008, Respondent was once more served with a subpoena duces tecum compelling him to appear at a deposition scheduled for January 13, 2009. Respondent failed to appear.

It is necessary to obtain Respondent's response and relevant files so the Association can determine the validity and severity of the grievance

against him. By refusing to respond in any way or to appear at his depositions, Respondent has impeded and delayed the disciplinary process. Accordingly, the Association asks this Court to order DENNIS K. PFLUG's immediate interim suspension pending compliance with the Association's investigation.

### **STANDARD**

Under ELC 7.2(a)(3), a Respondent lawyer may be immediately suspended from the practice of law when a lawyer fails without good cause to comply with a request from the Association for information or documents or fails without good cause to comply with a subpoena.<sup>1</sup> DENNIS K. PFLUG's failure to comply with the Association's requests and subpoenas meets this standard.

### **EFFECT OF RESPONDENT'S FAILURE TO COOPERATE**

The lawyer discipline system provides "protection of the public and preservation of confidence in the legal system." In re Disciplinary Proceeding Against McMurray, 99 Wn.2d 920, 930, 655 P.2d 1352

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<sup>1</sup> ELC 7.2(a)(3) provides:

Failure to Cooperate with Investigation. When any lawyer fails without good cause to comply with a request under rule 5.3(f) for information or documents, or with a subpoena issued under rule 5.3(f), or fails to comply with disability proceedings as specified in rule 8.2(d), disciplinary counsel may petition the Court for an order suspending the lawyer pending compliance with the request or subpoena. If the lawyer complies with the request or subpoena, the lawyer may petition the Court to terminate the suspension on terms the Court deems appropriate.

(1983). Given the limited resources available to investigate allegations of lawyer misconduct, "such investigations depend upon the cooperation of attorneys." Id. at 931.

"Compliance with these rules is vital." In re Disciplinary Proceeding Against Clark, 99 Wn.2d 702, 707, 663 P.2d 1339 (1983). Because DENNIS K. PFLUG has not produced the relevant files, responded to the grievance, OR appeared for either of his scheduled depositions, the Association has not been able to determine his culpability in the grievance filed against him. The Association's effective and timely investigation of the grievance and protection of the public has been impeded and delayed.

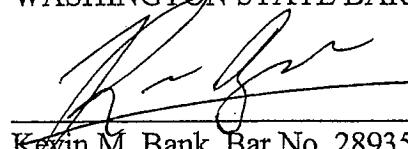
### **CONCLUSION**

Respondent's failure to cooperate with a disciplinary investigation is an ongoing violation of ELC 5.3. Accordingly, the Association asks the Court to issue an order to show cause under ELC 7.2(b)(2) requiring DENNIS K. PFLUG to appear before the Court on such date as the Chief Justice may set, and show cause why this petition for interim suspension should not be granted.

DATED THIS 23<sup>rd</sup> day of February, 2009.

Respectfully submitted,

WASHINGTON STATE BAR ASSOCIATION

A handwritten signature in black ink, appearing to read "Kevin M. Bank", is written over a horizontal line.

Kevin M. Bank, Bar No. 28935  
Disciplinary Counsel  
1325 4<sup>th</sup> Avenue, Suite 600  
Seattle, WA 98101-2539  
(206) 733-5909

## IN THE SUPREME COURT OF THE STATE OF WASHINGTON

In re

DENNIS K. PFLUG,  
Lawyer (Bar No. 11930).

Supreme Court No.

DISCIPLINARY COUNSEL  
DECLARATION

FILED  
SUPREME COURT  
STATE OF WASHINGTON  
2009 FEB 24 A 8:37  
CYRILIA L. O'NEILL, CLERK  
aw

I, Kevin M. Bank, declare and state:

1. I am the disciplinary counsel assigned to the disciplinary proceedings against lawyer Dennis K. Pflug, Bar No. 11930. This statement is submitted February 23, 2009.

2. On August 26, 2008, Joseph Tran filed a grievance against Mr. Pflug.

3. By letter dated August 28, 2008, the Office of Disciplinary Counsel (ODC) requested Mr. Pflug's response to the grievance. A copy of this letter is attached to this Declaration as Exhibit A.

4. Mr. Pflug did not provide a response, nor did he request an extension of time within which to provide a response.

5. By letter dated September 30, 2008, sent by certified mail, ODC advised Mr. Pflug that he must provide the requested information within 10 days or he would be subject to a deposition, and reminded Mr. Pflug of his duty to respond under Rule 5.3(e) of the Rules for

Enforcement of Lawyer Conduct (ELC). A copy of this letter ("ten-day letter") is attached to this Declaration as Exhibit B.

6. On October 1, 2008, Respondent received the ten-day letter. A copy of the certified mail receipt is attached to this Declaration as Exhibit C.

7. By facsimile dated October 14, 2008, Mr. Pflug's office sent notice that Mr. Pflug would submit a response no later than Friday, October 17, 2008. A copy of this facsimile is attached to this Declaration as Exhibit D.

8. Mr. Pflug did not provide a response as indicated in his facsimile of October 14, 2008.

9. On November 17, 2008, I issued a subpoena duces tecum requiring Mr. Pflug to appear for deposition on December 3, 2008, and to produce his complete client file and all financial records related to his representation of Mr. Tran. In a cover letter accompanying the subpoena, I reminded Mr. Pflug that his attendance was mandatory and notified Mr. Pflug that failure to appear would make him subject to a petition for his immediate interim suspension from the practice of law under ELC 7.2(a)(3). A copy of this subpoena and cover letter is attached to this Declaration as Exhibit E.

10. Mr. Pflug was personally served with the subpoena duces tecum and cover letter on November 19, 2008. A copy of the affidavit of service is attached to this Declaration as Exhibit F.

11. On December 3, 2008, the date of the scheduled deposition, Mr. Pflug contacted me by telephone and requested more time to file a written response to the grievance.

12. I agreed to cancel the deposition and gave Mr. Pflug until December 10, 2008 to provide a response.

13. By letter, I reminded Mr. Pflug that if he failed to respond by December 10, 2008, I would immediately reschedule the deposition. A copy of this letter is attached to this Declaration as Exhibit G.

14. Mr. Pflug failed to provide a written response by December 10, 2008.

15. On December 17, 2008, I issued a second subpoena duces tecum requiring Mr. Pflug to appear for a deposition on January 13, 2009, and to provide his complete client file and all financial records related to his representation of Mr. Tran. In a cover letter accompanying the subpoena, I reminded Mr. Pflug that his attendance was mandatory and notified Mr. Pflug that failure to appear would make him subject to a petition for his immediate interim suspension from the practice of law



under ELC 7.2(a)(3). A copy of this subpoena and cover letter is attached to this Declaration as Exhibit H.

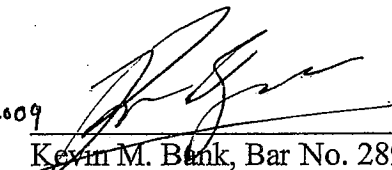
16. On December 29, 2008, Mr. Pflug was personally served with the second subpoena duces tecum and cover letter. A copy of the affidavit of service is attached to this Declaration as Exhibit I.

17. On January 13, 2009, Mr. Pflug failed to appear at the deposition. A copy of the deposition transcript, including exhibits, is attached to this Declaration as Exhibit J.

18. Mr. Pflug has not communicated with ODC regarding this matter since his brief telephone call on December 3, 2008.

I certify under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

Seattle, WA. February 23, 2009  
Date & Place

  
Kevin M. Bank, Bar No. 28935  
Disciplinary Counsel

# EXHIBIT A



# WSBA

## OFFICE OF DISCIPLINARY COUNSEL

### Acknowledgment That We Have Received a Grievance

Date: 8/28/2008

WSBA File: 08-01335

#### To the Grievant:

We received your grievance against a lawyer and opened a file with the file number indicated above. We are requesting a written response from the lawyer. You generally have a right to receive a copy of any response submitted by the lawyer. After we review the lawyer's response, if it appears that the conduct you describe is not within our jurisdiction, does not violate the Supreme Court's Rules of Professional Conduct (RPC), or does not warrant further investigation, we will write you a letter to tell you that. If we begin an investigation of your grievance, we will give you our investigator's name and telephone number. If, as a result of an investigation and formal proceeding, the lawyer is found to have violated the RPC, either the Washington State Bar Association Disciplinary Board or the Supreme Court may sanction the lawyer.

Our authority and resources are limited. We are not a substitute for protecting your legal rights. We do not and cannot represent you in legal proceedings. You should consider contacting another lawyer to represent you in any ongoing civil or criminal case or to determine whether other remedies may be available to you. If you believe criminal laws have been broken, you should contact your local police department or prosecuting attorney. There are time deadlines for both civil and criminal proceedings, so you should not wait to take other action.

Please read the enclosed form for additional information about the grievance process. Our office handles a large number of files. We urge you to communicate with us only in writing until we complete our initial review of your grievance. You should hear from us again within four weeks.

### Request for Lawyer Response

#### To the Lawyer:

Although we have reached no conclusions on the merits of the grievance that has been filed against you, we are requesting your preliminary written response postmarked or delivered to us within two (2) weeks of the date of this letter. Please provide any information you believe is relevant. You must personally assure that all records, files, and accounts related to the grievance are retained until you receive written authorization from us, or until this matter is concluded and all possible appeal periods have expired.

Absent special circumstances, and unless you provide us with reasons to do otherwise, we will forward a copy of your response to the grievant. If the grievant is not your client, or you are providing personal information, please clearly identify any information that you believe we should withhold and we will forward a copy of your redacted response to the grievant, informing the grievant that he or she is receiving a redacted copy. Decisions to withhold information may be considered by a review committee of the Disciplinary Board. The grievance process is governed by the Rules for Enforcement of Lawyer Conduct (ELC). ELC 5.3(e), a copy of which is enclosed with related rules, sets out the obligations of a respondent lawyer, including the duty to promptly file a written response. If you believe further action should be deferred because of pending litigation, please so indicate and explain the basis for your request under ELC 5.3(c)

Sincerely,

Felice P. Congalton  
Senior Disciplinary Counsel

Enclosures: Lawyer Discipline in Washington

Original: Grievant: John Tran c/o Joseph J. Ganz  
cc: Lawyer: Dennis K. Pflug  
(with enclosure and copy of grievance)

# **EXHIBIT B**



# WSBA

## OFFICE OF DISCIPLINARY COUNSEL

Felice P. Congalton  
Senior Disciplinary Counsel

September 30, 2008

Dennis K. Pflug  
Attorney at law  
10757 22nd Ave SW  
Seattle, WA 98146-1916

Re: WSBA File: 08-01335  
Grievance filed by John Tran

Dear Mr. Pflug:

We asked you to provide a written response to the above referenced grievance. To the best of our knowledge, your response, which is required by Rule 5.3(e) of the Rules for Enforcement of Lawyer Conduct (ELC), has not been received.

Under ELC 5.3(e), you must file a written response to the allegations of this grievance within ten days after service of this letter, i.e., on or before **October 13, 2008**. If we do not receive your response within the ten-day period, we will subpoena you for a deposition. If we must serve a subpoena, you will be liable for the costs of the deposition, including service of process, and attorney fees of \$500. ELC 5.3(f)(2). You should be aware that failing to respond is, in itself, grounds for discipline and may subject you to interim suspension under ELC 7.2(a)(3).

Sincerely,

A handwritten signature in dark ink, appearing to read "Felice P. Congalton".

Felice P. Congalton  
Senior Disciplinary Counsel

cc: John Tran c/o Joseph J. Ganz

### CERTIFICATE OF SERVICE

I CERTIFY THAT I CAUSED THE FOREGOING LETTER TO BE MAILED TO THE LAWYER NAMED ABOVE AT 10757 22ND AVE SW, SEATTLE, WA 98146-1916, CERTIFIED (RETURN RECEIPT NO. 7006 2150 0000 7572 8220) MAIL, POSTAGE PREPAID, ON SEPTEMBER 30, 2008.

A handwritten signature in dark ink, appearing to read "Mark H. H.".

SENIOR DISCIPLINARY COUNSEL

# EXHIBIT C

**CERTIFIED MAIL RECEIPT**  
(Domestic Mail Only; No Insurance Coverage Provided)

For delivery information, visit our website at [www.usps.com](http://www.usps.com)

**OFFICIAL USE**

Postage	\$
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$

Postmark  
Here

9/30

Sent To	Dennis K. Pflug
Street, Apt. No., or P.O. Box No.	10757 22nd AVE SW
City, State, Zip+4	SEATTLE, WA 98146

PS Form 3800, August 2005 See Reverse for Instructions

7006 2150 0000 7572 8220

**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Dennis K. Pflug  
10757 22nd AVE SW  
Seattle, WA 98146-1916

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature <b>X</b> <i>J. Majoor</i>	<input type="checkbox"/> Agent <input type="checkbox"/> Addressee
B. Received by (Printed Name) <i>J. Majoor</i>	C. Date of Delivery <i>10-1 PP</i>
D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No	
3. Service Type <input type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.	
4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes	

2. Article Number  
(Transfer from service label)

7006 2150 0000 7572 8220

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

# **EXHIBIT D**



DENNIS K. PFLUG

*Attorney at Law*

A Professional Limited Liability Company, PLLC

10757 - 22<sup>nd</sup> Avenue Southwest

Seattle, Washington 98146-1916

Ph: (206) 242-8278 Fax: (206) 242-8245

E-Mail: pflugdennis@comcast.net

RECEIVED

OCT 14 2008

WSBA OFFICE OF  
DISCIPLINARY COUNSEL

FAX COVER SHEET

PAGES:

1 (Including This Cover Sheet)

DATE:

Tuesday, October 14, 2008

TIME:

8:07 AM

DELIVER TO:

Felice P. Congalton  
Washington State Bar Association

PHONE NO.:

206-727-8207

FAX NO.:

206-727-8325

MATTER:

John Tran  
WSBA File: 08-01335

Original will follow by:

Sent By Fax Only

MESSAGE:

Felice P. Congalton,

Please be advised that Mr. Pflug has been out of the office and will not be returning until this Thursday. In regard to your request for a response in regard to the above referenced matter, that will be submitted to your office know later than this Friday.

If you have any further questions or if I can be of any other assistance, please do not hesitate to call.

jmm

IF ANY OF THESE PAGES ARE ILLEGIBLE, OR YOU DO NOT RECEIVE ALL OF THEM,  
PLEASE CALL AND ASK THAT THIS FAX BE RE-SENT.

CONFIDENTIALITY NOTE: THE DOCUMENTS ACCOMPANYING THIS FACSIMILE CONTAIN INFORMATION BELONGING TO DENNIS K. PFLUG, ATTORNEY AT LAW, WHICH IS CONFIDENTIAL AND/OR LEGALLY PRIVILEGED. THE INFORMATION IS ONLY FOR THE USE OF THE INDIVIDUAL OR ENTITY NAMED ABOVE. IF YOU ARE NOT THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISCLOSURE, COPYING, DISTRIBUTION, OR THE TAKING OF ANY ACTION IN RELIANCE ON THE CONTENTS OF THIS TELECOPIED INFORMATION IS PROHIBITED. IF YOU HAVE RECEIVED THIS FACSIMILE IN ERROR, PLEASE IMMEDIATELY NOTIFY US BY TELEPHONE TO ARRANGE FOR RETURN OF THE ORIGINAL DOCUMENTS TO US. THANK YOU FOR YOUR COOPERATION.

# EXHIBIT E



# WSBA

OFFICE OF DISCIPLINARY COUNSEL

Kevin Bank  
Senior Disciplinary Counsel

direct line: (206) 733-5909  
fax: (206) 727-8325

## HAND DELIVERED WITH SUBPOENA DUCES TECUM

November 17, 2008

Dennis K. Pflug  
Attorney at Law  
10757 22nd Ave SW  
Seattle, WA 98146-1916

Re: Grievance of John Tran against lawyer Dennis K. Pflug  
WSBA File No. 08-01335

Dear Mr. Pflug:

Enclosed is a subpoena duces tecum compelling your attendance at a deposition in accordance with Rules 5.5 and 5.3(f) of the Rules for Enforcement of Lawyer Conduct (ELC). The subpoena has been issued because of your failure or refusal to cooperate with this investigation. As you already have been informed, you will be liable for the costs associated with the deposition, including service of the subpoena, court reporter charges, and a \$500 attorney fee.

We wish to avoid any further delay in the completion of this investigation. Accordingly, we will not cancel or continue the deposition unless disciplinary counsel so confirms in writing. Absent a written confirmation of cancellation or continuance, your appearance at the deposition in our offices on **Wednesday, December 3, 2008 at 10:00 a.m.** is mandatory. If you fail to appear, we may treat your failure to appear as a violation of disciplinary rules, we may refer this grievance to Review Committee with a recommendation of a public disciplinary hearing without your response, and we may petition the Washington Supreme Court for your immediate interim suspension from the practice of law under ELC 7.2(a)(3).

Sincerely,

A handwritten signature in black ink, appearing to read "Kevin Bank", written over a horizontal line.

Kevin Bank  
Senior Disciplinary Counsel

Enclosure

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7 BEFORE THE  
8 DISCIPLINARY BOARD  
9 OF THE  
10 WASHINGTON STATE BAR ASSOCIATION

11 In re

12 DENNIS K. PFLUG,  
13 Lawyer (Bar No. 11930).

WSBA File No. 08-01335

SUBPOENA DUCES TECUM

14 THE STATE OF WASHINGTON TO: Dennis Keith Pflug

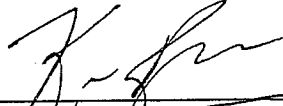
15 YOU ARE HEREBY COMMANDED under Rules 5.5 and 5.3(f) of the Rules for  
16 Enforcement of Lawyer Conduct (ELC) to be and appear at the Washington State Bar  
17 Association offices, 1325 4<sup>th</sup> Avenue, Suite 600, Seattle, WA 98101, on December 3, 2008 at  
18 10:00 a.m., to testify in investigatory proceedings being conducted by the Washington State Bar  
19 Association.

20 YOU ARE FURTHER COMMANDED to bring the following with you at the above  
21 time:

22 1. Your complete file and whatever documents may be in your possession or control  
23 relating to your representation of John Tran and Cynthia Wareing-Tran in their dispute with  
24 Shelly McDonald, and all correspondence, pleadings, financial records, including trust account

1 and client ledgers, canceled checks, and bank statements relating to funds received in  
2 connection with your representation of Mr. Tran and Ms. Wareing-Tran v. McDonald.

3 Dated this 17<sup>th</sup> day of November, 2008.

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6 Kevin Bank, Bar No. 28935  
7 Senior Disciplinary Counsel  
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# EXHIBIT F

BEFORE THE DISCIPLINARY BOARD OF THE  
WASHINGTON STATE BAR ASSOCIATION

In Re:

DENNIS K. PFLUG,

Lawyer (Bar No. 11930).

NO. 08-01335

AFFIDAVIT OF SERVICE

State of Washington )

County of King S/S )

The undersigned, being first duly sworn, on oath deposes and says:

That the undersigned is now and at all times mentioned herein was a citizen of the United States and resident of the State of Washington, over the age of eighteen years, not a party to or interested in the above entitled action, and competent to be a witness therein.

That on **November 19, 2008**, at **1:23 PM**, at the address of **10757 22nd Avenue SW**, Seattle, Washington, affiant duly served **Subpoena Duces Tecum** and **Letter** in the above entitled action upon **Dennis K. Pflug** by then and there personally delivering true and correct copies thereof into the hands of and leaving same with **Dennis K. Pflug** (55-65, white, male, 6'0", medium build) named witness.

		Each	Total
Service	1	\$15.00	\$15.00
Mileage/Trips	2	\$35.00	\$70.00
Affidavit	1	\$15.00	\$15.00
Miscellaneous		\$0.00	\$0.00
Miscellaneous		\$0.00	\$0.00
			<b>\$100.00</b>

*T. Tugsbyleg*  
T. Tugsbyleg King County #9402780  
Subscribed and sworn to me this  
20th Day of November, 2008.

*Peter A. Valente*  
Peter A. Valente- Notary Public in and for the  
State of Washington, residing at Seattle.  
Commission expires June 7, 2012

# **EXHIBIT G**





# WSBA

## OFFICE OF DISCIPLINARY COUNSEL

Kevin M. Bank  
Senior Disciplinary Counsel

direct line: (206) 7335909  
fax: (206) 727-8325

Gerald Pflug  
10757 22<sup>nd</sup> Ave, SW  
Seattle, WA 98146-1916

Re: Grievance of John Tran et al against you  
WSBA File No. 08-01335

Dear Mr. Pflug:

This letter is to outline the status of this matter and confirm our telephone conversation on Wednesday morning December 3, 2008.

Because you did not timely respond to this grievance, you were served on November 19, 2008 with a subpoena duces tecum to attend a non-cooperation deposition. The non-cooperation deposition was scheduled for December 3, 2008 at 10 a.m. You called our office on Wednesday morning December 3, 2008 prior to the deposition start date. I was able to talk with you at approximately 9:15 a.m.

During our conversation, you stated that you had not responded to the grievance because you needed to obtain information from an office assistant who is no longer in your employ. You said that you had been trying to locate this assistant, and had finally managed to do so this week. You requested an extension until Wednesday, December 10, 2008 to file a response to this grievance.

I agreed to give you this one extension to provide a complete written response to the Tran grievance. I explained that you will be responsible for paying the court reporter's cancellation fee for December 3, 2008, which I will forward to you when I receive it.

Please note that if I do not receive a complete written response from you by December 10, 2008, I will immediately reschedule the non-cooperation deposition. You will be responsible for the \$500 attorney's fee and the cost of service of the subpoenas. You will be charged these costs even if you provide a complete written response that is received later than December 10, 2008 but prior to the rescheduled date of the deposition.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Kevin M. Bank", written over a horizontal line.

Kevin M. Bank  
Senior Disciplinary Counsel

cc: John Tran

# APPENDIX H



# WSBA

## OFFICE OF DISCIPLINARY COUNSEL

Kevin Bank  
Senior Disciplinary Counsel

direct line: (206) 733-5909  
fax: (206) 727-8325

### HAND DELIVERED WITH SUBPOENA DUCES TECUM

December 17, 2008

Dennis K. Pflug  
Attorney at Law  
10757 22nd Ave SW  
Seattle, WA 98146-1916

Re: Grievance of John Tran against lawyer Dennis K. Pflug  
WSBA File No. 08-01335

Dear Mr. Pflug:

Enclosed is a second subpoena duces tecum compelling your attendance at a deposition in accordance with Rules 5.5 and 5.3(f) of the Rules for Enforcement of Lawyer Conduct (ELC). This subpoena has been issued because of your failure or refusal to cooperate with this investigation. As you have been informed, you will be liable for the costs associated with the two scheduled non-cooperation depositions as follows:

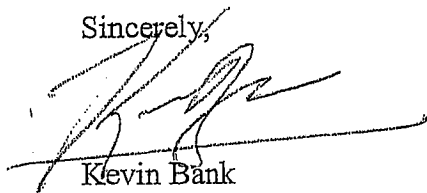
- 1<sup>st</sup> service of subpoena on 11-19-08 = \$100.00 (Affidavit of Service included w/charges)
- Court Reporter invoice for Attendance at 1<sup>st</sup> deposition scheduled on 12-03-08 = \$ 96.19\*\* (Too late to cancel without incurring a fee, \*\* includes 5% discount)
- Attorney fee = \$500.00
- Once we receive the new process server invoice, we will send it to you for reimbursement under separate cover.

Please be advised that we will not cancel or continue this deposition. Your appearance at the deposition in our offices on **Tuesday, January 13, 2009 at 11:00 a.m.** is mandatory. If you fail to appear, we may treat your failure to appear as a violation of disciplinary rules, we may refer this grievance to Review Committee with a recommendation of a public disciplinary hearing without your response, and we may petition the Washington Supreme Court for your immediate interim suspension from the practice of law under ELC 7.2(a)(3).

Dennis K. Pflug  
December 17, 2008  
Page 2

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Sincerely,

A handwritten signature in black ink, appearing to read "Kevin Bank", written over a horizontal line.

Kevin Bank  
Senior Disciplinary Counsel

Enclosure

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7 BEFORE THE  
8 DISCIPLINARY BOARD  
9 OF THE  
10 WASHINGTON STATE BAR ASSOCIATION

11 In re

12 DENNIS K. PFLUG,  
13 Lawyer (Bar No. 11930).

WSBA File No. 08-01335

SUBPOENA DUCES TECUM

14 THE STATE OF WASHINGTON TO: Dennis Keith Pflug

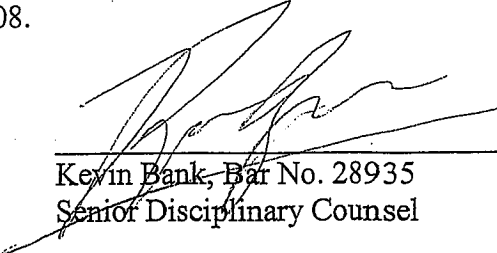
15 YOU ARE HEREBY COMMANDED under Rules 5.5 and 5.3(f) of the Rules for  
16 Enforcement of Lawyer Conduct (ELC) to be and appear at the Washington State Bar  
17 Association offices, 1325 4<sup>th</sup> Avenue, Suite 600, Seattle, WA 98101, on **Tuesday, January 13,**  
18 **2009 at 11:00 a.m.**, to testify in investigatory proceedings being conducted by the Washington  
19 State Bar Association.

20 YOU ARE FURTHER COMMANDED to bring the following with you at the above  
21 time:

22 1. Your complete file and whatever documents may be in your possession or control  
23 relating to your representation of John Tran and Cynthia Wareing-Tran in their dispute with  
24 Shelly McDonald, and all correspondence, pleadings, financial records, including trust account

1 and client ledgers, canceled checks, and bank statements relating to funds received in  
2 connection with your representation of Mr. Tran and Ms. Wareing-Tran v. McDonald.

3 Dated this 17<sup>th</sup> day of December, 2008.

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6 Kevin Bank, Bar No. 28935  
7 Senior Disciplinary Counsel  
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# APPENDIX I

BEFORE THE DISCIPLINARY BOARD OF THE  
WASHINGTON STATE BAR ASSOCIATION

In Re:

DENNIS K. PFLUG,

Lawyer (Bar No. 11930).

NO. 08-01335

AFFIDAVIT OF SERVICE

State of Washington )


County of King S/S )

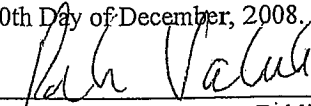
The undersigned, being first duly sworn, on oath deposes and says:

That the undersigned is now and at all times mentioned herein was a citizen of the United States and resident of the State of Washington, over the age of eighteen years, not a party to or interested in the above entitled action, and competent to be a witness therein.

That on **December 29, 2008, at 12:16 PM**, at the address of **10757 22nd Avenue SW**, Seattle, Washington, affiant duly served **2nd Subpoena Duces Tecum** and **Letter** in the above entitled action upon **Dennis K. Pflug** by then and there personally delivering true and correct copies thereof into the hands of and leaving same with **Dennis K. Pflug** (50ish, white, male, 5'9", slim build, in a wheelchair) named witness.

		Each	Total
Service	1	\$15.00	\$15.00
Mileage/Trips	1	\$35.00	\$35.00
Affidavit	1	\$15.00	\$15.00
Miscellaneous		\$0.00	\$0.00
Miscellaneous		\$0.00	\$0.00
			<b>\$65.00</b>

  
R. Newland King County #9402780  
Subscribed and sworn to me this  
30th Day of December, 2008.

  
Peter A. Valente- Notary Public in and for the  
State of Washington, residing at Seattle.  
Commission expires June 7, 2012

AFFIDAVIT OF SERVICE - 1

SEATTLE LEGAL MESSENGER SERVICES, LLC  
711 6TH AVENUE NORTH #100  
SEATTLE, WA 98109  
(206) 443-0885



# EXHIBIT J

BEFORE THE DISCIPLINARY BOARD OF THE  
WASHINGTON STATE BAR ASSOCIATION

ORIGINAL

---

In Re )

DENNIS PFLUG, )

Lawyer. )

WSBA No. 11930. )

---

Date: 1/13/09

TRANSCRIPTS OF PROCEEDINGS

---

Taken at 1325 Fourth Avenue, Suite 600;  
Seattle, Washington

REPORTED BY: Zel D. Gonce (CCR No. 2458)

TREECE, SHIRLEY & BRODIE

1415 N. 200th Street, Suite B-7

Shoreline, WA 98133-3220 PH: (206) 624-6604

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## A P P E A R A N C E S

3

For the Bar Association: KEVIN BANK, ESQ.  
Washington State Bar  
Association  
1325 Fourth Avenue  
Suite 600  
Seattle, WA 98101-2539

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## EXHIBIT INDEX

9

EXHIBIT NO.

DESCRIPTION

PAGE

10

No. 1

Letter dated 8-28-08

3

11

No. 2

Letter dated 9-30-08

4

12

No. 3

Subpoena Duces Tecum

4

13

No. 4

Letter dated 11-17-08

5

14

No. 5

Affidavit of Service

5

15

No. 6

Letter dated 12-3-08

6

16

No. 7

Second Subpoena Duces Tecum

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No. 8

Letter dated 12-17-08

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No. 9

Affidavit of Service

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1 SEATTLE, WASHINGTON; TUESDAY, JANUARY 13, 2009

2 11:15 A.M.

3 -- 00 0 00 --

4  
5 MR. BANK: We're on the record on  
6 Tuesday, January 13th, 2009, at approximately 11:15 a.m..  
7 I'm Kevin Bank. I'm a lawyer with the Office of  
8 Disciplinary Counsel of the Washington State Bar  
9 Association. This is a deposition by the Washington  
10 State Bar Association in the matter of Dennis K. Pflug,  
11 P-F-L-U-G, to determine whether lawyer discipline may be  
12 appropriate under the Rules of Professional Conduct and  
13 the rules for enforcement of lawyer conduct. However,  
14 the facts developed in this investigation might  
15 constitute violations of other state or federal laws.

16 Let the record reflect that Mr. Pflug is not  
17 present. I would now like to introduce several exhibits.

18 Exhibit 1 is a copy of a letter dated  
19 8-28-2008, WSBA file 08-01335, from Felice P. Congalton,  
20 senior disciplinary counsel to both the grievant in this  
21 matter and to respondent Dennis Pflug. This letter  
22 requests that the respondent, by a preliminary written  
23 response postmarked or delivered to the Office of  
24 Disciplinary Counsel within two weeks of the date of this  
25 letter. That being 8-28-2008.

1                   If the court reporter could mark the exhibit.  
2                   (Exhibit No. 1 is marked  
3                   for identification.)

4                   MR. BANK: Exhibit 2 is a letter dated  
5           September 30th, 2008 from Felice Congalton to Dennis  
6           Pflug. This letter is a ten-day letter in which  
7           Ms. Congalton states that Mr. Pflug must file a written  
8           response on or before October 13th, 2008 in WSBA file  
9           08-01335. Also warns Mr. Pflug that if WSBA does not  
10          receive a response within the ten-day period WSBA will  
11          subpoena respondent for a deposition and that respondent  
12          will be liable for the costs of deposition, including  
13          service of process and attorneys fees of \$500.

14                  Page 2 of this exhibit is a certified mail  
15          receipt indicating that F. Majoor, M-A-J-O-O-R, received  
16          this and that the date of delivery was 10-1-08. The  
17          article was addressed to Dennis K. Pflug at 10757 22nd  
18          Avenue Southwest, Seattle, Washington, 98146-1916.

19                  If the court reporter could mark Exhibit 2.  
20                  (Exhibit No. 2 is marked  
21                  for identification.)

22                  MR. BANK: Exhibit 3 is a Subpoena Duces  
23          Tecum addressed to Dennis Pflug. The subpoena requires  
24          him to be and appear at the Association's offices on  
25          December 3rd, 2008, at 10:00 a.m. to testify in

1     investigatory proceedings regarding WSBA file number  
2     08-01335. The subpoena is dated November 17, 2008.

3             If the court reporter could mark Exhibit 3.

4                     (Exhibit No. 3 is marked  
5                     for identification.)

6             MR. BANK: Exhibit 4 is the letter  
7     delivered with the subpoena duces tecum. The letter is  
8     dated November 17th, 2008. It's from Kevin Bank, senior  
9     disciplinary counsel to Dennis Pflug. It states that  
10    absent a written confirmation of cancellation or  
11    continuance, Mr. Pflug's appearance at the deposition in  
12    WSBA offices on Wednesday, December 3rd, 2008 at 10:00  
13    a.m. is mandatory.

14             If the court reporter could mark Exhibit 4.

15                     (Exhibit No. 4 is marked  
16                     for identification.)

17             MR. BANK: Exhibit 5 is an Affidavit of  
18    Service signed by T. T-U-G-S-B-I-L-E-G on the 20th day of  
19    November 2008 indicating that Mr. Pflug was served  
20    personally on November 19th, 2008 at 1:23 p.m. with the  
21    aforementioned Subpoena Duces Tecum.

22             And I'll ask the court reporter to mark the  
23    Affidavit of Service as Exhibit 5.

24                     (Exhibit No. 5 is marked  
25                     for identification.)

1 MR. BANK: Exhibit 6 is a letter from  
2 Kevin Bank, senior disciplinary counsel for Mr. Pflug.  
3 This letter states that Mr. Pflug called Mr. Bank just  
4 prior to the deposition on December 3rd, 2008 and  
5 provides that Mr. Bank would be willing to grant Mr.  
6 Pflug a one-week extension to respond to the grievance by  
7 December 10th, 2008. The letter states, and I quote: I  
8 will immediately reschedule the non cooperation  
9 deposition. If I do not receive a complete response from  
10 you by December 2008, you'll be charged for the \$500  
11 attorneys fee and the cost of service of the subpoena.

12 I'm going to ask the court reporter to mark  
13 as Exhibit 6 the letter of December 3rd.

14 (Exhibit No. 6 is marked  
15 for identification.)

16 MR. BANK: Let me just take a brief  
17 break.

18 (Off the record.)

19 MR. BANK: Exhibit 7 is a second  
20 Subpoena Duces Tecum addressed to Dennis Pflug. This one  
21 is dated December 17th, 2008. It requires Mr. Pflug to  
22 appear at the Washington State Bar Association offices  
23 today, Tuesday, January 13th, 2009 at 11:00 a.m. to  
24 testify in investigatory proceedings being conducted by  
25 the Association regarding file number 08-01335.

1                   And I'll ask the court reporter to mark the  
2     Subpoena Duces Tecum of January 13th, 2009 as Exhibit 7.

3                   (Exhibit No. 7 is marked  
4                   for identification.)

5                   MR. BANK: Exhibit 8 is a letter hand  
6     delivered with the subpoena duces tecum marked as Exhibit  
7     7 to Mr. Pflug from Kevin Bank, senior disciplinary  
8     counsel.

9                   This informs Mr. Pflug of his various  
10    obligations to pay costs and expenses and also advises  
11    him that his appearance at WSBA offices on Tuesday,  
12    January 13th, 2009 at 11:00 a.m. is mandatory. And that  
13    if Mr. Pflug fails to appear, the Association may treat  
14    the failure to appear as a violation of disciplinary  
15    rules and may petition the Washington Supreme Court for  
16    immediate interim suspension from the practice of law  
17    under Rules for Enforcement of Lawyer Conduct 7.2(a)(3).

18                  I'm going to ask the court reporter to mark  
19    the December 17th, 2008 letter as Exhibit 8.

20                  (Exhibit No. 8 is marked  
21                  for identification.)

22                  MR. BANK: Exhibit 9 is an Affidavit of  
23    Service signed by R. Newland, N-E-W-L-A-N-D, on the 30th  
24    of December 2008, stating that Mr. Newland personally  
25    served on December 29th, 2008 at 12:16 p.m. at 10757 22nd



1 Avenue Southwest Mr. Pflug with the second subpoena duces  
2 tecum and letter in WSBA file number 08-01335.

3 I'm going to ask the court reporter to mark  
4 the Affidavit of Service as Exhibit 9.

5 (Exhibit No. 9 is marked  
6 for identification.)

7 MR. BANK: Let the record reflect that  
8 the time is now 11:35 a.m., January 13th, 2009, that Mr.  
9 Pflug has not appeared at the time required on the  
10 subpoena duces tecum at 11:00 a.m. and has neither called  
11 nor appeared between the beginning of the deposition at  
12 11:00 a.m. until the current time of 11:35 a.m..

13 Nothing further.

14 (The proceedings were  
15 concluded at 11:35 a.m.)

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## C E R T I F I C A T E

STATE OF WASHINGTON )

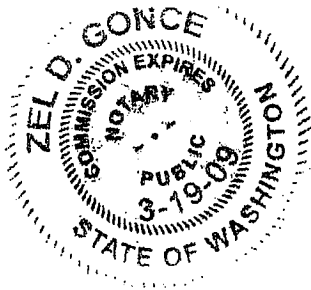
COUNTY OF KING )

I, the undersigned Notary Public in and for the  
State of Washington, do hereby certify:

That the foregoing proceedings held on the date  
indicated on the caption sheet were reported  
stenographically by me and thereafter reduced to  
typewriting under my direction;

I further certify that the transcription of the  
hearing is true and correct to the best of my ability.

Signed this 20th day of January, 2009.



A handwritten signature in cursive script, reading "Zeld D. Gonce", written over a horizontal line.

Notary Public in and for the  
State of Washington at Bremerton.  
My commission expires 3-19-09  
CCR No. 2458



# WSBA

## OFFICE OF DISCIPLINARY COUNSEL

### Acknowledgment That We Have Received a Grievance

Date: 8/28/2008 WSBA File: 08-01335

#### To the Grievant:

We received your grievance against a lawyer and opened a file with the file number indicated above. We are requesting a written response from the lawyer. You generally have a right to receive a copy of any response submitted by the lawyer. After we review the lawyer's response, if it appears that the conduct you describe is not within our jurisdiction, does not violate the Supreme Court's Rules of Professional Conduct (RPC), or does not warrant further investigation, we will write you a letter to tell you that. If we begin an investigation of your grievance, we will give you our investigator's name and telephone number. If, as a result of an investigation and formal proceeding, the lawyer is found to have violated the RPC, either the Washington State Bar Association Disciplinary Board or the Supreme Court may sanction the lawyer.

Our authority and resources are limited. We are not a substitute for protecting your legal rights. We do not and cannot represent you in legal proceedings. You should consider contacting another lawyer to represent you in any ongoing civil or criminal case or to determine whether other remedies may be available to you. If you believe criminal laws have been broken, you should contact your local police department or prosecuting attorney. There are time deadlines for both civil and criminal proceedings, so you should not wait to take other action.

Please read the enclosed form for additional information about the grievance process. Our office handles a large number of files. We urge you to communicate with us only in writing until we complete our initial review of your grievance. You should hear from us again within four weeks.

### Request for Lawyer Response

#### To the Lawyer:

Although we have reached no conclusions on the merits of the grievance that has been filed against you, we are requesting your preliminary written response postmarked or delivered to us within **two (2) weeks** of the date of this letter. Please provide any information you believe is relevant. You must personally assure that all records, files, and accounts related to the grievance are retained until you receive written authorization from us, or until this matter is concluded and all possible appeal periods have expired.

Absent special circumstances, and unless you provide us with reasons to do otherwise, we will forward a copy of your response to the grievant. If the grievant is not your client or you are providing personal information, please clearly identify any information that you believe we should withhold and we will forward a copy of your redacted response to the grievant, informing the grievant that he or she is receiving a redacted copy. Decisions to withhold information may be considered by a review committee of the Disciplinary Board. The grievance process is governed by the Rules for Enforcement of Lawyer Conduct (ELC). ELC 5.3(e), a copy of which is enclosed with related rules, sets out the obligations of a respondent lawyer, including the duty to promptly file a written response. If you believe further action should be deferred because of pending litigation, please so indicate and explain the basis for your request under ELC 5.3(c)

Sincerely,

Felice P. Congalton  
Senior Disciplinary Counsel

Enclosures: Lawyer Discipline in Washington  
Original: Grievant: John Tran c/o Joseph J. Ganz  
cc: Lawyer: Dennis K. Pflug  
(with enclosure and copy of grievance)



GANZ & ASSOCIATES, P.L.L.C.

Attorneys and Counselors at Law

2101 Fourth Avenue, Suite 2100  
Seattle, Washington 98121-2317

TELEPHONE: (206) 448-2100  
FACSIMILE: (206) 441-4363

Joseph J. Ganz  
Email: jganzesq@aol.com

RECEIVED

AUG 21 2008  
WSBA OFFICE OF  
DISCIPLINARY COUNSEL

August 19, 2008

Felice Congalton, Esq.  
Senior Disciplinary Counsel  
WSBA  
1325 - 4<sup>th</sup> Avenue, Suite 600  
Seattle, WA 98101

Re: John Tran and Cynthia Wareing Tran  
In Re Dennis Pflug, Esq.

Dear Ms. Congalton:

I have been asked by John Tran and his wife, Cynthia Wareing-Tran, to request the intervention of the WSBA-ODC in obtaining the original personal injury file in the case of Tran v. McDonald, Pierce County Cause No. 06-2-05631-6.

Additionally, the Trans seek the assistance of the ODC in looking into the legal services provided by Mr. Pflug on their behalf in that case.

Regarding the request for the file, I enclose various e-mails from the client(s) to Mr. Pflug requesting updates and status reports regarding their case.

As you can see the following is clear.

After many, many attempts to get their lawyer to provide them an update/status report starting in the spring of 2007, the clients asked their Portland real estate attorney to see what she could do to get Mr. Pflug to respond meaningfully in May 2008.

Exhibit 1 will give you an example as to their requests and the nature of his responses between July 2007 and May 2008.

Finally in May 2008, Gretchen Barnes, Esq., the Tran's Portland real estate attorney, contacted Helen Wharton of the WSBA with their complaint.

Ms. Wharton contacted Mr. Pflug's office (May 21, 2008) and it appears an employee advised her Mr. Pflug would respond, explaining—as was typical—that Mr. Pflug was out but that he would contact Ms. Barnes the next day, May 23, 2008! (Exhibit 2)

The Trans have continued to try to get Mr. Pflug to respond. They advise he never has. Mr. Tran was desperate to know the status of his personal injury case and not being able to get any meaningful response, save "he's gone" or "he'll contact you tomorrow," Mr. Tran contacted opposing counsel, Brad Maxa, in Tacoma.

Mr. Maxa was not comfortable speaking to Mr. Tran knowing/believing he was represented by Mr. Pflug. However, he was then aware that Mr. Tran may not have been advised by his own lawyer that the lawsuit had been dismissed on Summary Judgment on September 7, 2007—almost a year ago!

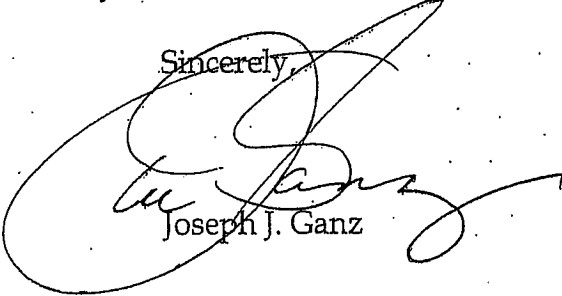
I enclose the Order of Dismissal which reflects that not only did Mr. Pflug not appear (notwithstanding his same day doctor's note), Mr. Pflug never responded to the Summary Judgment Motion on his client's behalf.

Worse, it appears that he has never, to this date, told his client that his case was dismissed.

I have called the Pflug office today and followed-up with an e-mail (attached) in one last direct attempt to get a response from Mr. Pflug and to have him turn over the Tran's file.

Thank you for any assistance you and the ODC can provide.

Sincerely,



Joseph J. Ganz

cc: John Tran  
Cynthia Wareing Tran  
Brad Maxa, Esq.  
Enclosures

Ex 1

1

THIS IS AN EMAIL I SENT ,,,, ATTACHED TO A PREVIOUS EMAIL OF JULY FROM DENNIS IN REPLY TO ONE OF JOHN'S REQUESTS FOR INFORMATION..

---

**From:** cynthia wareingtran [mailto:ctran48@hotmail.com]  
**Sent:** Thursday, October 25, 2007 9:49 AM  
**To:** John  
**Subject:** draft

Hi Dennis,,, Do you remember this email?... I have made numerous attempts to contact you- by email and phone so we could follow up on our MVA settlement with Pemco (after the "then" recent deposition). It is now October. I need you to contact me immediately by email with the current status of this settlement. As we mentioned before Cindy and I do not want this to continue for endless years.. we want to determine a settlement for this.

We have given you adequate time to follow up with this ( since July) . I expect an email with the current status by tomorrow, Friday.  
(copy)

**From:** Dennis K. Pflug [mailto:pflugdennis@comcast.net]  
**Sent:** Friday, July 06, 2007 8:53 AM  
**To:** John Tran  
**Subject:** Re: MVA status

John,

Out of the office today but will get you a full update on Monday. Things to discuss with you regarding possible settlement.

dkp

DENNIS K. PFLUG

Attorney at Law

A Professional Limited Liability Company, PLLC

10757 - 22<sup>nd</sup> Avenue Southwest

Seattle, Washington 98146-1916

Ph: (206) 242-8278 Fax: (206) 242-8245

E-Mail: pflugdennis@comcast.net

IMPORTANT CONFIDENTIALITY NOTE:

A REPLY FROM DENNIS TO A PREVIOUS PHONE CALL OR EMAIL REQUESTING INFORMATION.. WE WERE LEAVING FOR CABO SAN LUCAS, MX IN THE UPCOMING WEEKS AND HAD ASKED FOR A MEETING BEFORE OCTOBER 30<sup>TH</sup>.... HE OBVIOUSLY PAID NO ATTENTION TO THIS DATE OR COULD HAVE PICKED THE DATE KNOWING WE WOULD NOT BE AVAILABLE...

To: ctran48@hotmail.com.  
From: pflugdennis@comcast.net  
Subject: Meeting with you?  
Date: Thu, 25 Oct 2007 14:25:04 -0700

Hello Cynthia,

I wanted to know if we would be able to meet with you on Wednesday October 31, 2007 at noon at your office. I am not available the next couple of days. Please let me know if this would be possible. I thank you kindly.

dkp

DENNIS K. PFLUG

Attorney at Law

A Professional Limited

Liability Company, PLLC

10757 - 22<sup>nd</sup> Avenue Southwest

Seattle, Washington 98146-1916

Ph: (206) 242-8278 Fax: (206) 242-8245

E-Mail: pflugdennis@comcast.net

**IMPORTANT CONFIDENTIALITY NOTE:**

MY RESPONSE TO DENNIS AFTER HE TELLS ME HE CAN NOT MEET BEFORE OCTOBER 30<sup>TH</sup>...

**RE: Phone appointment**

From: **cynthia wareingtran** (ctran48@hotmail.com)  
Sent:  
Mon 10/29/07 10:09 AM  
To:  
Dennis K. Pflug (pflugdennis@comcast.net); J (jjtran@rainierpm.com); John (jtran@rainierpm.com); cynthia wareingtran (ctran48@hotmail.com)

October 29th, 2007

Hi Dennis...

As I noted, we would not be able to meet in person after October 30th,,Tuesday...

so.... I ask that you email us with a short summary of where things are at with Pemco and the MVA determination.

We will be reachable via email and by phone by the second week of November..we will have a 206- phone number established in order to respond and discuss the MVA settlement or options at this time. This might serve both of us well instead of having to drive someplace, and any arrangement and dates of expectations can be documented to remind both of us of our commitments.

If there are days of the week and time frames which are better to call or set up as a phone appointment pls email me this information- We will contact you once internet is established to request a phone appointment time.

So please:

- 1- Email a short summary of the current status of the MVA -Pemco Insurance situation October 31st instead of meeting personally with us.
- 2: We will contact you mid November via email to set up a phone appointment with you...
3. Our phone contact number will still be our phone number 206-721-9660. Please provide us with a phone number if the one on this email is not appropriate to call you.

I am reachable today via home phone 206-721-9660 or cell phone 206-676-2200 if you have any need to contact me before we leave.

We appreciate your commitment to following through with this MVA case so a resolution can be met in as timely a manner as possible.  
Our son Jonathan can be contacted for emergencies-- 206-295-4125. or business phone 206-726-1144 Option 3.

Thank you..

Cynthia and John Tran

---

To: ctran48@hotmail.com  
From: pflugdennis@comcast.net  
Subject: Meeting with you?  
Date: Thu, 25 Oct 2007 14:25:04 -0700

Hello Cynthia,

I wanted to know if we would be able to meet with you on Wednesday October 31, 2007 at noon at your office. I am not available the next couple of days. Please let me know if this would be possible. I thank you kindly.

dkp

DENNIS K. PFLUG



**NOVEMBER—** CONTINUE TO FOLLOW UP WITH DENNIS VIA PHONE AFTER WE ARRIVE IN CABO AND HAVE PHONE ACCESS.

**RE: Phone appointment**

From: **cynthia wareingtran** (ctran48@hotmail.com)

Sent:

Wed 11/28/07 7:38 AM

To:

Dennis K. Pflug (pflugdennis@comcast.net); John (jtran@rainierpm.com); cynthia wareingtran (ctran48@hotmail.com)

Dennis... pls reply to a date and time appointment for a phone fu on our MVA...from our spring meeting with Pemco..thanks

---

**RE: Meeting with you re MVA...**

From: **cynthia wareingtran** (ctran48@hotmail.com)

Sent:

Fri 11/30/07 2:39 PM

To:

Dennis K. Pflug (pflugdennis@comcast.net); John (jtran@rainierpm.com); Cindy Tran (ctran48@hotmail.com)

Hi Dennis... pls give us a date and time to call you next week...Now friday,,called your office and your assistant said you were not there,,we asked them to give you a message... Pls respond...thanks...John and Cindy Tran..

---

**Re: Conference call?**

From: **Dennis K. Pflug** (pflugdennis@comcast.net)

Sent:

Tue 12/04/07 5:55 PM

To:

cynthia wareingtran (ctran48@hotmail.com)

Cynthia and John,

I thank you kindly for the response. Look forward to talking to you tomorrow.

Thanks,  
dkp

DENNIS K. PFLUG

Attorney at Law

A Professional Limited Liability Company, PLLC

10757 - 22<sup>nd</sup> Avenue Southwest

Seattle, Washington 98146-1916

Ph: (206) 242-8278 Fax: (206) 242-8245

E-Mail: pflugdennis@comcast.net

## I need to move the conference call

From: **Dennis K. Pflug** (pflugdennis@comcast.net)



Sent:

Wed 12/05/07 2:43 PM

To:

cynthia wareingtran (ctran48@hotmail.com)

Cindy and John,

I apologize I am not able to do the conference call today can we move it to early tomorrow. I had to meet with a soil specialist from Oregon today and I am not able to reschedule this matter. Please feel free to let me know what time tomorrow morning would be good for the both of you.

I thank you kindly,  
dkp

DENNIS K. PFLUG

Attorney at Law

A Professional Limited Liability Company, PLLC

10757 - 22<sup>nd</sup> Avenue Southwest

Seattle, Washington 98146-1916

Ph: (206) 242-8278 Fax: (206) 242-8245

E-Mail: pflugdennis@comcast.net

IMPORTANT CONFIDENTIALITY NOTE

## Request for email of status...

From: **cynthia wareingtran** (ctran48@hotmail.com)

Sent:

Wed 12/05/07 3:32 PM

To:

Dennis K. Pflug (pflugdennis@comcast.net); John (jtran@rainierpm.com); Cindy Tran (ctran48@hotmail.com); dfrias@rainierpm.com

Early morning will not be possible for us... We can conference with you at 1:00pm our time, or 12-noon PST.

Pls respond to this question.

We need to know what is the status of the MVA accident- what are the options....What has happened since the deposition in the Spring. YOU told us you would get back to us after hearing from Pemco...You have not contacted us and have not responded to John's request for information. I am sure Pemco has given you a response after the deposition. We do not want to go to court, yet you have not given us any other options in how to resolve this issue..

We have the impression that you are too busy, do not care about this case, or you may actually be misrepresenting us. How do we know. We expect an email from you of what is the status; what are the options and contact people from Pemco.

If we do not get any resolution of this situation, We will be forced to report inadequate representation to the state board.

## RE: Meeting with you?

From: **cynthia wareingtran** (ctran48@hotmail.com)

Sent:

Wed 1/09/08 7:34 AM

To:

Dennis K. Pflug (pflugdennis@comcast.net); Cindy Tran (ctran48@hotmail.com); John (jtran@rainierpm.com)

Dennis,,,,, No email as to status of MVA settlement.... No call on Friday or Saturday as to why you would not email information to us....

You are in breach of our contractual understanding -- If you do not email us with the information up to this date- (You have had 1 month to prepare) and we do not have a meeting with you when we return in a week to Seattle.... you will be reported... Tired of having to chase after you...and you think that you deserve a percentage of any settlement.... You will be lucky that you do not get reported again to the attorney general....

January 16th, 17th, or 18th a meeting at 1618 South Lane, suite 203..... Give us a time.....and pick a date...

NEVER RECEIVED A REPLY FROM DENNIS....

HE HAD TOLD ME ON THE PHONE WHEN HE HAD CALLED AFTER A SCHEDULED PHONE CALL (HE WAS ON THE WAY TO A MEETING AND COULD NOT TALK WITH ME FURTHER ,,SAID TO SET UP ANOTHER TIME) BUT HE MENTIONED TO ME THAT HE HAD BEEN VERY ILL,, ACTUALLY SPENT ABOUT 15 MINUTES TELLING ME ALL HIS MEDICAL PROBLEMS..... HAD NOT BEEN ABLE TO FOLLOW UP ON WORK BUT WAS FEELING BETTER..... I WAS NEVER ABLE TO GET IN TOUCH WITH HIM AGAIN...

Ex 2

## Windows Live™

**RE: WSBA inquiry re your clients John & Cynthia Tran**  
**From: John Tran** (jtran@rainierpm.com)  
**Sent:** Thu 5/22/08 12:51 PM  
**To:** 'Gretchen Barnes' (gbarnes@cablehouston.com)  
**Cc:** 'cynthia wareingtran' (ctran48@hotmail.com)

FYI. Cindy and I always got the same excuses from his assistant for the last 1-2 years. He was out of office for several days or sick in the couple weeks. Etc... We are not getting a response from Mr. Pflug at all. Thanks.

John T. Tran  
Rainier Pacific Investment, Inc.  
President  
P.O. Box 3003  
Seattle, Wa. 98114  
Phone: (206) 726-1144 X 140  
Cell Phone: (206) 261-5646  
Fax: (206) 726-1155

*Confidential: This email, including attached files, may contain confidential information and is intended for the individual and/or entity to which it is addressed. If you are not the intended recipient, disclosure, copying, use, or distribution of the information included in this email is prohibited. Please immediately and permanently delete this email and/or notify me by email at: [JTran@rainierpm.com](mailto:JTran@rainierpm.com). Thank you for your cooperation.*

---

**From:** Gretchen Barnes [mailto:gbarnes@cablehouston.com]  
**Sent:** Thursday, May 22, 2008 9:27 AM  
**To:** John Tran  
**Subject:** FW: WSBA inquiry re your clients John & Cynthia Tran

Hi John,

See email below.

Gretchen

Gretchen S. Barnes

Cable Huston

1001 SW Fifth Avenue, Suite 2000

Portland, OR 97204-1136

503-224-3092 (phone)

503-224-3176 (fax)

gbarnes@cablehuston.com

THIS E-MAIL, AND ANY ATTACHMENTS THERETO, IS INTENDED ONLY FOR USE BY THE ADDRESSEE(S) NAMED HEREIN AND MAY CONTAIN LEGALLY PRIVILEGED AND/OR CONFIDENTIAL INFORMATION. IF YOU ARE NOT THE INTENDED RECIPIENT OF THIS E-MAIL, YOU ARE HEREBY NOTIFIED THAT ANY DISSEMINATION, DISTRIBUTION OR COPYING OF THIS E-MAIL, AND ANY ATTACHMENTS THERETO, IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS E-MAIL IN ERROR, PLEASE IMMEDIATELY NOTIFY THE SENDER AT [GBARNES@CHBH.COM](mailto:GBARNES@CHBH.COM) AND CALL (COLLECT) GRETCHEN BARNES OR DONNA HARRIS IN THE UNITED STATES AT (503) 224-3092 AND PERMANENTLY DELETE THE ORIGINAL AND ANY COPY OF ANY E-MAIL AND ANY PRINTOUT THEREOF.

TAX ADVICE NOTICE: IRS CIRCULAR 230 REQUIRES US TO ADVISE YOU THAT, IF THIS COMMUNICATION OR ANY ATTACHMENT CONTAINS ANY TAX ADVICE, THE ADVICE IS NOT INTENDED TO BE USED, AND CANNOT BE USED, FOR THE PURPOSE OF AVOIDING FEDERAL TAX PENALTIES. A TAXPAYER MAY RELY ON PROFESSIONAL ADVICE TO AVOID FEDERAL TAX PENALTIES ONLY IF THE ADVICE IS REFLECTED IN A COMPREHENSIVE TAX OPINION THAT CONFORMS TO STRINGENT REQUIREMENTS. PLEASE CONTACT US IF YOU WOULD LIKE TO DISCUSS OUR PREPARATION OF AN OPINION THAT CONFORMS TO THESE IRS RULES.

-----Original Message-----

**From:** Helen Wharton [<mailto:helenw@wsba.org>]

**Sent:** Thursday, May 22, 2008 9:20 AM

**To:** Dennis K. Pflug

**Cc:** Gretchen Barnes

**Subject:** RE: WSBA inquiry re your clients John & Cynthia Tran

Dear Evelyn,

Thank you for your response. Ms. Barnes will appreciate hearing back from Mr. Pflug.

Sincerely,

Helen A. Wharton

Consumer Affairs Coordinator

Washington State Bar Association

(206) 727-8235 (direct)

(800) 945-9722

**CONFIDENTIALITY STATEMENT:** The information in this e-mail and in any attachment may contain information that court rules or other authority protect as confidential. If this e-mail was sent to you in error, you are not authorized to retain, disclose, copy or distribute the message and/or any of its attachments. If you received this e-mail in error, please notify me and delete this message. Thank you.

---

**From:** Dennis K. Pflug [mailto:pflugdennis@comcast.net]  
**Sent:** Thursday, May 22, 2008 7:46 AM  
**To:** Helen Wharton  
**Subject:** Re: WSBA inquiry re your clients John & Cynthia Tran

Ms. Wharton,

Mr. Pflug has been out of the office for the last several days. He will be back tomorrow and I will make sure that the contacts the attorneys for Mr. & Mrs. Tran.

Evelyn

DENNIS K. PFLUG

Attorney at Law

A Professional Limited Liability Company, PLLC

10757 - 22<sup>nd</sup> Avenue Southwest

Seattle, Washington 98146-1916

Ph: (206) 242-8278 Fax: (206) 242-8245

E-Mail: pflugdennis@comcast.net

**IMPORTANT CONFIDENTIALITY NOTE:**

This electronic mail and any attachment(s) are privileged and confidential communications protected by attorney-client/work product transmitted for the exclusive use of the addressee, and may not be copied or disseminated except by sender or addressee.

If you received this communication in error, please notify the sender immediately.

On May 21, 2008, at 10:01 AM, Helen Wharton wrote:

Dear Mr. Pfulg,

I left you a voicemail message this morning informing you that lawyer Gretchen Barnes, (503) 224-3092, contacted our office yesterday on behalf of your clients John & Cynthia Tran.

In my message I asked you to please contact the Trans about the status of their case. When I called Ms. Barnes this morning to let her know that I had left you the message, she informed me that the Tran's have engaged her for the purposes of contacting you regarding this case, and for obtaining from you, the client file.

Apparently there has been a breakdown in communications. Ms. Barnes stated that she has sent you emails and letters, but that you have not responded. Thank you for your attention to this matter.

Sincerely,

Helen A. Wharton

Consumer Affairs Coordinator

Washington State Bar Association

(206) 727-8235 (direct)

(800) 945-9722

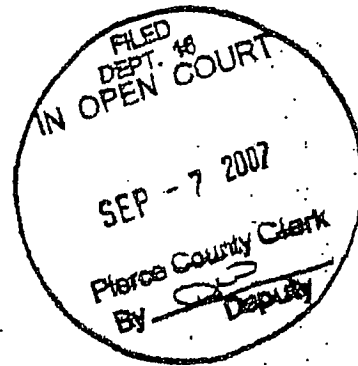
**CONFIDENTIALITY STATEMENT:** The information in this e-mail and in any attachment may contain information that court rules or other authority protect as confidential. If this e-mail was sent to you in error, you are not authorized to retain, disclose, copy or distribute the message and/or any of its attachments. If you received this e-mail in error, please notify me and delete this message. Thank you.







06-2-05631-6 28208431 ORGSJ 09-10-07



SUPERIOR COURT OF THE STATE OF WASHINGTON  
FOR PIERCE COUNTY

JOHN T. TRAN and CYNTHIA J. WAREING-  
TRAN,

Plaintiff,

v.

SHELLY MCDONALD and "JOHN DOE"  
MCDONALD, wife and husband and the  
marital community composed thereof; and  
FRANCES L. AWMILLER,

Defendants.

NO. 06-2-05631-6

ORDER GRANTING DEFENDANTS'  
MOTION FOR SUMMARY JUDGMENT

THIS MATTER came before the Court on the motion of defendants Shelly McDonald and Frances Awmiller for summary judgment. The Court reviewed the following pleadings:

1.

Defendants' Motion for Summary Judgment,

2.

Declaration of Shelly McDonald Re Summary Judgment, and

3.

Declaration of Bradley A. Maxa Re Summary Judgment (attaching deposition

excerpts) The plaintiffs did not file any opposition or response. Now, therefore, it is hereby

ORDER GRANTING DEFS' MOTION FOR SJ - 1  
(06-2-05631-6)  
[1389047 v2.doc]

LAW OFFICES  
GORDON, THOMAS, HONEYWELL, MALANCA,  
PETERSON & DAHEIM LLP  
1201 PACIFIC AVENUE, SUITE 2100  
POST OFFICE BOX 1157  
TACOMA, WASHINGTON 98401-1157  
(253) 820-8500 • FACSIMILE (253) 620-8505

1 ORDERED that defendants' summary judgment motion is GRANTED, and plaintiffs'  
2 complaint is dismissed with prejudice.

3 DATED this 7 day of ~~August~~ <sup>Sept</sup>, 2007.

4  
5   
HONORABLE LISA WORSWICK

6 Presented by:

7  
8 GORDON, THOMAS, HONEYWELL,  
9 MALANCA, PETERSON & DAHEIM, LLP  
Attorneys for Plaintiff

10 By: 

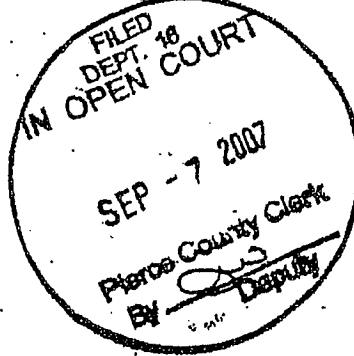
11 BRADLEY A. MAXA  
12 WSBA No. 15198

13 Approved as to Form, Notice of Presentment  
14 Waived, by:

15 DENNIS K. PLUG ATTORNEY AT LAW PLLC  
16 Attorneys for Plaintiffs

17 By: \_\_\_\_\_

18 DENNIS K. PLUG  
19 WSBA No. 11930



## Pierce County Superior Court Civil Case 06-2-05631-6

Case Title: JOHN T TRAN VS. SHELLY MCDONALD  
Case Type: Tort Motor Vehicle  
Access: Public  
Track Assignment: Standard  
Jury Size: 12  
Estimated Trial Length: 1.0 day  
Dept Judge: 16 LISA WORSWICK  
Resolution: 09/07/2007 Summary Judgment  
Completion: 09/07/2007 Judgment/Order/Decree Filed.

## Litigants

Name	Type	Status
<b>TRAN, JOHN T</b>	Plaintiff	
Attorney for TRAN, JOHN T <u>DENNIS KEITH PFLUG</u>	Atty for Plaintiff/Petitioner	Bar Number 11930
<b>WAREING, CYNTHIA J</b>	Plaintiff	
Attorney for WAREING, CYNTHIA J <u>DENNIS KEITH PFLUG</u>	Atty for Plaintiff/Petitioner	Bar Number 11930
<b>MCDONALD, SHELLY</b>	Defendant	
Attorney for MCDONALD, SHELLY <u>BRADLEY ALAN MAXA</u>	Atty for Defendant	Bar Number 15198
<b>MCDONALD, JOHN DOE</b>	Defendant	
Attorney for MCDONALD, JOHN DOE <u>BRADLEY ALAN MAXA</u>	Atty for Defendant	Bar Number 15198
<b>AWMILLER, FRANCES L</b>	Defendant	
Attorney for AWMILLER, FRANCES L <u>BRADLEY ALAN MAXA</u>	Atty for Defendant	Bar Number 15198

## Filings (e-file document)

Filing Date	Filing	Prep. by	Access	Pages	Microfilm
02/28/2006	Order Setting Original Case Schedule	CT	Public	1	
✓ 02/28/2006	CASE INFORMATION COVER SHEET	TT	Public	1	
✓ 02/28/2006	FILING FEE RECEIVED \$200.00	TT	Public		
02/28/2006	REQUEST FOR ASSIGN TO CIVIL TRACK	CT	Public	1	
✓ 02/28/2006	SUMMONS	TT	Public	2	
✓ 02/28/2006	COMPLAINT	TT	Public	3	
✓ 03/07/2006	AFFIDAVIT/DECLARATION OF SERVICE	TT	Public	2	
03/14/2006	NOTICE OF APPEARANCE	Δ	Public	2	
04/20/2006	ANSWER	Δ	Public	3	
05/16/2006	Reassignment Letter	CT	Public	1	
06/29/2006	JURY DEMAND - 12	Δ	Public	1	
07/25/2006	LETTER FROM DEPARTMENT 16	CT	Public	1	
10/26/2006	MOTION AND AFFIDAVIT	Δ	Public	42	
10/26/2006	NOTE OF ISSUE	Δ	Public	1	
10/27/2006	Recess Letter	?	Public	1	
11/09/2006	CLERK'S MINUTE ENTRY	Δ	Public	2	

11 weeks!

Date	Description	Public	Count
11/09/2006	AFFIDAVIT OF SERVICE BY MAIL	Public	4
11/09/2006	ORDER COMPELLING DISCOVERY	Public	2 ?
11/27/2006	NOTE OF ISSUE	Public	1
11/27/2006	MEMORANDUM IN SUPPORT	Public	3 ?
11/27/2006	AFFIDAVIT/DECLARATION OF SERVICE	Public	2
11/27/2006	MOTION TO DISMISS	Public	3 ?
12/08/2006	CLERK'S MINUTE ENTRY	Public	2
12/08/2006	ORDER FOR CONTINUANCE OF TRIAL DATE	Public	1
12/08/2006	ORDER AMENDING CASE SCHEDULE	Public	1
02/20/2007	LETTER FROM DEPARTMENT 16	Public	1
06/20/2007	NOTE OF ISSUE	Public	1
06/20/2007	MOTION FOR SUMMARY JUDGMENT	Public	4 X
06/20/2007	AFFIDAVIT/DECLARATION OF COUNSEL	Public	18
06/20/2007	DECLARATION OF SHELLY MCDONALD	Public	2
06/29/2007	NOTE OF ISSUE	Public	1
08/10/2007	ORDER OF CONTINUANCE	Public	3
08/22/2007	DEFENDANT'S LIST OF WITNESSES	Public	6
08/22/2007	NOTICE RE: EVIDENTIARY RULE	Public	2
08/28/2007	LETTER FROM DEPARTMENT 16	Public	1
08/28/2007	LETTER FROM DEPARTMENT 16	Public	1
08/31/2007	LETTER FROM DEPARTMENT 16	Public	1
09/07/2007	LETTER FROM ATTORNEY MD - NOT TINCIT II	Public	2
09/07/2007	ORDER GRANTING SUMMARY JUDGMENT	Public	2
09/07/2007	CLERK'S MINUTE ENTRY	Public	2

## Proceedings

Date	Calendar	Outcome
Week Of 07/25/2006	DEPT 16 - JUDGE WORSWICK (Rm. 211A) Unconfirmed Status Conference	Cancelled/Stricken
11/03/2006	DEPT 16 - JUDGE WORSWICK (Rm. 211A) Unconfirmed 9:00 Motion - Compel	Continued
11/09/2006	DEPT 16 - JUDGE WORSWICK (Rm. 211A) Confirmed 9:00 Motion - Compel	Motion Held
12/08/2006	DEPT 16 - JUDGE WORSWICK (Rm. 100 ) Confirmed 9:00 Motion - Dismiss	Motion Held
Week Of 01/30/2007	DEPT 16 - JUDGE WORSWICK (Rm. 211A) Unconfirmed Settlement Conference	Cancelled/Stricken
Week Of 02/13/2007	DEPT 16 - JUDGE WORSWICK (Rm. 211A) Unconfirmed Pretrial Conference	Cancelled/Amend Case Sched
Week Of 02/19/2007	DEPT 16 - JUDGE WORSWICK (Rm. 211A) Unconfirmed Status Conference	Cancelled/Stricken

02/27/2007	DEPT 16 - JUDGE WORSWICK (Rm. 211A) Confirmed 9:30 Trial	Cancelled/Amend Case Sched
07/20/2007	DEPT 16 - JUDGE WORSWICK (Rm. 211A) Unconfirmed 9:00 Motion - Summary Judgment	Cancelled/Stricken
08/10/2007	DEPT 16 - JUDGE WORSWICK (Rm. 211A) Confirmed 9:00 Motion - Summary Judgment	Continued
Week Of 08/27/2007	DEPT 16 - JUDGE WORSWICK (Rm. 211A) Unconfirmed Settlement Conference	Cancelled/Stricken
09/07/2007	DEPT 16 - JUDGE WORSWICK (Rm. 214A) Unconfirmed 9:00 Motion - Summary Judgment	Continued
09/07/2007	DEPT 16 - JUDGE WORSWICK (Rm. 211A) Confirmed 1:30 Motion - Summary Judgment	Summary Judgment Held
Week Of 09/10/2007	DEPT 16 - JUDGE WORSWICK (Rm. 211A) Unconfirmed Pretrial Conference	Cancelled/Stricken
09/24/2007	DEPT 16 - JUDGE WORSWICK (Rm. 211A) Confirmed 9:30 Trial	Cancelled/Stricken

**No Case Schedule Items**

Event	Schedule Date
-------	---------------

**Judgments**

Cause #	Status	Signed	Effective	Filed
---------	--------	--------	-----------	-------

This calendar lists Confirmed and Unconfirmed Proceedings. Attorneys may obtain access rights to confirm/strike selected proceedings. Currently, any proceedings for the Commissioners' calendars can be stricken, but only Show Cause proceedings for the Commissioners' calendars can be confirmed.

Unconfirmed Proceedings will not be heard unless confirmed as required by the Local Rules of the Superior Court for Pierce County.

- Hearing and location information displayed in this calendar is subject to change without notice. Any changes to this information after the creation date and time may not display in current version.
- Confidential cases and Juvenile Offender proceeding information is not displayed on this calendar. Confidential case types are: Adoption, Paternity, Involuntary Commitment, Dependency, and Truancy.
- The names provided in this calendar cannot be associated with any particular individuals without individual case research.
- Neither the court nor clerk makes any representation as to the accuracy and completeness of the data except for court purposes.

Created: Tuesday August 19, 2008 11:26AM



06-2-05631-6 28208423 LTRATY 09-10-07



DENNIS K. PFLUG

*Attorney at Law*

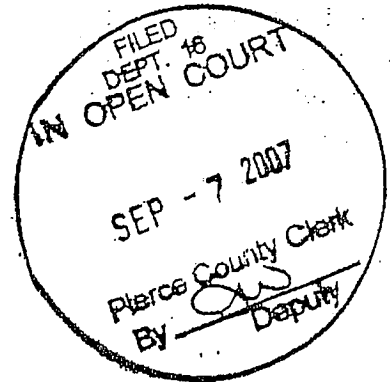
A Professional Limited Liability Company, PLLC

10757 - 22<sup>nd</sup> Avenue Southwest

Seattle, Washington 98146-1916

Ph: (206) 242-8278 Fax: (206) 242-8245

E-Mail: pflugdennis@comcast.net



Friday September 7, 2007

Bradley A. Maxa, Attorney at Law  
1201 Pacific Avenue, Ste. 2100  
P.O. Box 1157  
Tacoma, WA 98401

Sent by Fax & Mail

Re: *Tran, et al v. McDonald, et al*  
*PC Sup Ct No. 06-2-05631-6*

Bradley Maxa,

Enclosed please find a copy of a Doctors note written from Dr. Edward Davila, M.D.

I am sorry I am not able to attend the hearing, due to my health and injury that I had sustained on July 30, 2007. I am still having difficulties with my neck from being ejected from my wheelchair. I am still undergoing future evaluations as requested by my doctor.

If you have any further questions or if I can be of any other assistance please don't hesitate to call.

Very truly yours,

*Dennis K. Pflug*

Dennis K. Pflug  
Attorney at Law

DKP/emb  
encl/ref

Edward D. Davila, M.D.  
15211 8<sup>th</sup> Avenue S.  
Burien, WA 98148  
206-242-5400  
206-200-4249

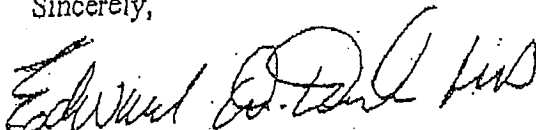
September 7, 2007

To the Courts:

Please be advised that Mr. Pflug is currently being evaluated for complicated medical conditions. Due to this evaluation he will be required to be absent from work in his office and at the Courts until further notice.

Please call me if you need further clarification is needed.

Sincerely,

  
Edward D. Davila, M.D.

\* Court did not consider - NOT Timely Filed. (SAME DAY AS FILE)



Subj: John Tran and Cynthis Wareing Tran  
Date: 8/19/2008 12:48:32 P.M. Pacific Daylight Time  
From: JGANZESQ  
To: [plflugdennis@comcast.net](mailto:plflugdennis@comcast.net)

Dear Mr. Pflug, Earlier today I advised your assistant Evelyn that I have been retained by the Trans' to review the handling of *Tran vs McDonald* Pierce County cause # 06-2-05631-6. Mr Tran advises that he and his wife have attempted multiple times to obtain a status update from you but have never received one since the spring of 2007. It is, to say the least, stunning that they had to find out their case had been dismissed by contacting Defense counsel to get the Order of Dismissal.

It is even further amazing that this outcome was not reported to either your clients or the WSBA-ODC when they contacted your office in May 2008 and requested that you provide your clients and their Oregon real estate lawyer a status report on the case.

Be that as it may I have telephoned your office today and spoke with Evelyn. I advised that we wanted your office to provide me with the entire/complete *Tran v McDonald* PI file immediately. Please feel free to make a copy of the file at your expense, but the file needs to be delivered to my office without delay. Thank you for your immediate compliance with this request. Joe Ganz

---

It's only a deal if it's where *you* want to go. Find your travel deal [here](#).

Subj: Returned mail: see transcript for details  
Date: 8/19/2008 12:49:13 P.M. Pacific Daylight Time  
From: MAILER-DAEMON@aol.com  
To: JGANZESQ@aol.com

The original message was received at Tue, 19 Aug 2008 15:48:36 -0400 (EDT)  
from imo-d21.mail.aol.com [172.18.157.195]

\*\*\* ATTENTION \*\*\*

Your e-mail is being returned to you because there was a problem with its delivery. The address which was undeliverable is listed in the section labeled: "----- The following addresses had permanent fatal errors -----".

The reason your mail is being returned to you is listed in the section labeled: "----- Transcript of Session Follows -----".

The line beginning with "<<<" describes the specific reason your e-mail could not be delivered. The next line contains a second error message which is a general translation for other e-mail servers.

Please direct further questions regarding this message to the e-mail administrator or Postmaster at that destination.

--AOL Postmaster

----- The following addresses had permanent fatal errors -----  
<plflugdennis@comcast.net>  
(reason: 550 5.1.1 Not our Customer)

----- Transcript of session follows -----  
... while talking to mx2.comcast.net.:  
>>> RCPT To:<plflugdennis@comcast.net>  
<<< 550 5.1.1 Not our Customer  
550 5.1.1 <plflugdennis@comcast.net>... User unknown

Final-Recipient: RFC822; plflugdennis@comcast.net  
Action: failed  
Status: 5.1.1  
Remote-MTA: DNS; mx2.comcast.net  
Diagnostic-Code: SMTP; 550 5.1.1 Not our Customer  
Last-Attempt-Date: Tue, 19 Aug 2008 15:48:58 -0400 (EDT)

Received: from imo-d21.mx.aol.com (imo-d21.mail.aol.com [172.18.157.195]) by imr-m06.mx.aol.com (v107.10) with ESMTP id RELAYIN10-b48ab23941ef; Tue, 19 Aug 2008 15:48:36 -0400

Received: from JGANZESQ@aol.com  
by imo-d21.mx.aol.com (mail\_out\_v38\_r10.8.) id 3.be2.3420b78b (42805)  
for <plflugdennis@comcast.net>; Tue, 19 Aug 2008 15:48:32 -0400 (EDT)

From: JGANZESQ@aol.com  
Message-ID: <be2.3420b78b.35dc7d90@aol.com>  
Date: Tue, 19 Aug 2008 15:48:32 EDT  
Subject: John Tran and Cynthis Wareing Tran  
To: plflugdennis@comcast.net  
MIME-Version: 1.0  
Content-Type: multipart/alternative; boundary="-----1219175312"  
X-Mailer: Unknown sub 34  
X-Spam-Flag:NO  
X-AOL-IP: 172.18.157.195

Subj: Tran  
Date: 8/19/2008 1:04:50 P.M. Pacific Daylight Time  
From: JGANZESQ  
To: [pflugdennis@comcast.net](mailto:pflugdennis@comcast.net)

Dear Mr Pflug, I sent an e-mail a few minutes ago to this address but it was returned. I called your office and spoke with Evelyn and she confirmed it is [pflugdennis@comcast.net](mailto:pflugdennis@comcast.net) as it appears in your letterhead. Please confirm receipt of this e-mail requesting the Tran file (original) be delivered to my office ASAP. I have been retained to review the handling of that case. Previous attempts to obtain this information seem to have failed

---

It's only a deal if it's where you want to go. Find your travel deal [here](#).

Subj: Tran  
Date: 8/19/2008 1:15:42 P.M. Pacific Daylight Time  
From: JGANZESQ  
To: [pflugdennis@comcast.net](mailto:pflugdennis@comcast.net)  
CC: [jtran@rainierpm.com](mailto:jtran@rainierpm.com)

Dear Mr. Pflug, here is the first e-mail I sent but used the wrong spelling. (attached) Thanks. Joe Ganz

---

It's only a deal if it's where *you* want to go. Find your travel deal [here](#).



# WSBA

OFFICE OF DISCIPLINARY COUNSEL

Felice P. Congalton  
Senior Disciplinary Counsel

September 30, 2008

Dennis K. Pflug  
Attorney at law  
10757 22nd Ave SW  
Seattle, WA 98146-1916

Re: WSBA File: 08-01335  
Grievance filed by John Tran

Dear Mr. Pflug:

We asked you to provide a written response to the above referenced grievance. To the best of our knowledge, your response, which is required by Rule 5.3(e) of the Rules for Enforcement of Lawyer Conduct (ELC), has not been received.

Under ELC 5.3(e), you must file a written response to the allegations of this grievance within ten days after service of this letter, i.e., on or before October 13, 2008. If we do not receive your response within the ten-day period, we will subpoena you for a deposition. If we must serve a subpoena, you will be liable for the costs of the deposition, including service of process, and attorney fees of \$500. ELC 5.3(f)(2). You should be aware that failing to respond is, in itself, grounds for discipline and may subject you to interim suspension under ELC 7.2(a)(3).

Sincerely,

A handwritten signature in dark ink, appearing to read "Felice P. Congalton".

Felice P. Congalton  
Senior Disciplinary Counsel

cc: John Tran c/o Joseph J. Ganz

## CERTIFICATE OF SERVICE

I CERTIFY THAT I CAUSED THE FOREGOING LETTER TO BE MAILED TO THE LAWYER NAMED ABOVE AT 10757 22ND AVE SW, SEATTLE, WA 98146-1916, CERTIFIED (RETURN RECEIPT NO. 7006 2150 0000 7572 8220) MAIL, POSTAGE PREPAID, ON SEPTEMBER 30, 2008.

A handwritten signature in dark ink, appearing to read "Mark H. H. H.".

SENIOR DISCIPLINARY COUNSEL



7006 2150 0000 7572 8220

**CERTIFIED MAIL™ RECEIPT**  
 (Domestic Mail Only; No Insurance Coverage Provided)  
 For delivery information visit our website at [www.usps.com](http://www.usps.com)  
**OFFICIAL USE**

Postage	\$
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$

Postmark  
Here

9/30

Sent To Dennis K. Pflug  
 Street, Apt. No.,  
 or P.O. Box No. 10757 82nd AVE SW  
 City, State, ZIP+4 SEATTLE, WA 98146  
 PS Form 3800, August 2006 See Reverse for Instructions

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
<p>■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.</p> <p>■ Print your name and address on the reverse so that we can return the card to you.</p> <p>■ Attach this card to the back of the mailpiece, or on the front if space permits.</p>		<p>A. Signature  <input checked="" type="checkbox"/> <u>Majoor</u> <input type="checkbox"/> Agent  <input type="checkbox"/> Addressee</p>	
<p>1. Article Addressed to:</p> <p><u>Dennis K. Pflug</u>  <u>10757 82nd AVE SW</u>  <u>Seattle, WA 98146-1916</u></p>		<p>B. Received by (Printed Name) _____ C. Date of Delivery <u>10-1/11</u></p>	
		<p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes          If YES, enter delivery address below: <input type="checkbox"/> No</p>	
		<p>3. Service Type  <input type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail  <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise  <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p>	
		<p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>	
<p>2. Article Number          (Transfer from service label) <u>7006 2150 0000 7572 8220</u></p>			

BEFORE THE  
DISCIPLINARY BOARD  
OF THE  
WASHINGTON STATE BAR ASSOCIATION

In re

DENNIS K. PFLUG,  
Lawyer (Bar No. 11930).

WSBA File No. 08-01335

SUBPOENA DUCES TECUM

THE STATE OF WASHINGTON TO: Dennis Keith Pflug

YOU ARE HEREBY COMMANDED under Rules 5.5 and 5.3(f) of the Rules for Enforcement of Lawyer Conduct (ELC) to be and appear at the Washington State Bar Association offices, 1325 4<sup>th</sup> Avenue, Suite 600, Seattle, WA 98101, on December 3, 2008 at 10:00 a.m., to testify in investigatory proceedings being conducted by the Washington State Bar Association.

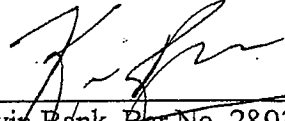
YOU ARE FURTHER COMMANDED to bring the following with you at the above time:

1. Your complete file and whatever documents may be in your possession or control relating to your representation of John Tran and Cynthia Wareing-Tran in their dispute with Shelly McDonald, and all correspondence, pleadings, financial records, including trust account



1 and client ledgers, canceled checks, and bank statements relating to funds received in  
2 connection with your representation of Mr. Tran and Ms. Wareing-Tran v. McDonald.

3 Dated this 17<sup>th</sup> day of November, 2008.

4   
5 Kevin Bank, Bar No. 28935  
6 Senior Disciplinary Counsel





WSBA  
OFFICE OF DISCIPLINARY COUNSEL

Kevin Bank  
Senior Disciplinary Counsel

direct line: (206) 733-5909  
fax: (206) 727-8325

**HAND DELIVERED WITH SUBPOENA DUCES TECUM**

November 17, 2008

Dennis K. Pflug  
Attorney at Law  
10757 22nd Ave SW  
Seattle, WA 98146-1916

Re: Grievance of John Tran against lawyer Dennis K. Pflug  
WSBA File No. 08-01335

Dear Mr. Pflug:

Enclosed is a subpoena duces tecum compelling your attendance at a deposition in accordance with Rules 5.5 and 5.3(f) of the Rules for Enforcement of Lawyer Conduct (ELC). The subpoena has been issued because of your failure or refusal to cooperate with this investigation. As you already have been informed, you will be liable for the costs associated with the deposition, including service of the subpoena, court reporter charges, and a \$500 attorney fee.

We wish to avoid any further delay in the completion of this investigation. Accordingly, we will not cancel or continue the deposition unless disciplinary counsel so confirms in writing. Absent a written confirmation of cancellation or continuance, your appearance at the deposition in our offices on **Wednesday, December 3, 2008 at 10:00 a.m.** is mandatory. If you fail to appear, we may treat your failure to appear as a violation of disciplinary rules, we may refer this grievance to Review Committee with a recommendation of a public disciplinary hearing without your response, and we may petition the Washington Supreme Court for your immediate interim suspension from the practice of law under ELC 7.2(a)(3).

Sincerely,

  
Kevin Bank  
Senior Disciplinary Counsel

Enclosure



BEFORE THE DISCIPLINARY BOARD OF THE  
WASHINGTON STATE BAR ASSOCIATION

In Re:

DENNIS K. PFLUG,

Lawyer (Bar No. 11930).

NO. 08-01335

AFFIDAVIT OF SERVICE

State of Washington )

County of King S/S )

The undersigned, being first duly sworn, on oath deposes and says:

That the undersigned is now and at all times mentioned herein was a citizen of the United States and resident of the State of Washington, over the age of eighteen years, not a party to or interested in the above entitled action, and competent to be a witness therein.

That on **November 19, 2008**, at **1:23 PM**, at the address of **10757 22nd Avenue SW**, Seattle, Washington, affiant duly served **Subpoena Duces Tecum** and **Letter** in the above entitled action upon **Dennis K. Pflug** by then and there personally delivering true and correct copies thereof into the hands of and leaving same with **Dennis K. Pflug** (55-65, white, male, 6'0", medium build) named witness.

		Each	Total
Service	1	\$15.00	\$15.00
Mileage/Trips	2	\$35.00	\$70.00
Affidavit	1	\$15.00	\$15.00
Miscellaneous		\$0.00	\$0.00
Miscellaneous		\$0.00	\$0.00
			\$100.00

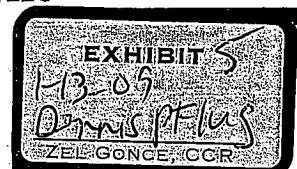
*Tugsbileg*  
T. Tugsbileg King County #9402780

Subscribed and sworn to me this  
20th Day of November, 2008.

*Peter A. Valente*  
Peter A. Valente- Notary Public in and for the  
State of Washington, residing at Seattle.  
Commission expires June 7, 2012

AFFIDAVIT OF SERVICE - 1

SEATTLE LEGAL MESSENGER SERVICES, LLC  
711 6TH AVENUE NORTH #100  
SEATTLE, WA 98109  
(206) 443-0885





# WSBA

OFFICE OF DISCIPLINARY COUNSEL



Kevin M. Bank  
Senior Disciplinary Counsel

direct line: (206) 7335909  
fax: (206) 727-8325

Gerald Pflug  
10757 22<sup>nd</sup> Ave, SW  
Seattle, WA 98146-1916

Re: Grievance of John Tran et al against you  
WSBA File No. 08-01335

Dear Mr. Pflug:

This letter is to outline the status of this matter and confirm our telephone conversation on Wednesday morning December 3, 2008.

Because you did not timely respond to this grievance, you were served on November 19, 2008 with a subpoena duces tecum to attend a non-cooperation deposition. The non-cooperation deposition was scheduled for December 3, 2008 at 10 a.m. You called our office on Wednesday morning December 3, 2008 prior to the deposition start date. I was able to talk with you at approximately 9:15 a.m.

During our conversation, you stated that you had not responded to the grievance because you needed to obtain information from an office assistant who is no longer in your employ. You said that you had been trying to locate this assistant, and had finally managed to do so this week. You requested an extension until Wednesday, December 10, 2008 to file a response to this grievance.

I agreed to give you this one extension to provide a complete written response to the Tran grievance. I explained that you will be responsible for paying the court reporter's cancellation fee for December 3, 2008, which I will forward to you when I receive it.

Please note that if I do not receive a complete written response from you by December 10, 2008, I will immediately reschedule the non-cooperation deposition. You will be responsible for the \$500 attorney's fee and the cost of service of the subpoenas. You will be charged these costs even if you provide a complete written response that is received later than December 10, 2008 but prior to the rescheduled date of the deposition.

Sincerely yours,

Kevin M. Bank  
Senior Disciplinary Counsel

cc: John Tran

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BEFORE THE  
DISCIPLINARY BOARD  
OF THE  
WASHINGTON STATE BAR ASSOCIATION



In re

DENNIS K. PFLUG,  
Lawyer (Bar No. 11930).

WSBA File No. 08-01335

SUBPOENA DUCES TECUM

THE STATE OF WASHINGTON TO: Dennis Keith Pflug


YOU ARE HEREBY COMMANDED under Rules 5.5 and 5.3(f) of the Rules for Enforcement of Lawyer Conduct (ELC) to be and appear at the Washington State Bar Association offices, 1325 4<sup>th</sup> Avenue, Suite 600, Seattle, WA 98101, on **Tuesday, January 13, 2009 at 11:00 a.m.**, to testify in investigatory proceedings being conducted by the Washington State Bar Association.

YOU ARE FURTHER COMMANDED to bring the following with you at the above time:

1. Your complete file and whatever documents may be in your possession or control relating to your representation of John Tran and Cynthia Wareing-Tran in their dispute with Shelly McDonald, and all correspondence, pleadings, financial records, including trust account

1 and client ledgers, canceled checks, and bank statements relating to funds received in  
2 connection with your representation of Mr. Tran and Ms. Wareing-Tran v. McDonald.

3 Dated this 17<sup>th</sup> day of December, 2008.

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6 Kevin Bank, Bar No. 28935  
7 Senior Disciplinary Counsel  
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# WSBA

OFFICE OF DISCIPLINARY COUNSEL

Kevin Bank  
Senior Disciplinary Counsel

direct line: (206) 7709  
fax: (206) 7725

**HAND DELIVERED WITH SUBPOENA DUCES TECUM**

December 17, 2008

Dennis K. Pflug  
Attorney at Law  
10757 22nd Ave SW  
Seattle, WA 98146-1916



Re: Grievance of John Tran against lawyer Dennis K. Pflug  
WSBA File No. 08-01335

Dear Mr. Pflug:

Enclosed is a second subpoena duces tecum compelling your attendance at a deposition in accordance with Rules 5.5 and 5.3(f) of the Rules for Enforcement of Lawyer Conduct (ELC). This subpoena has been issued because of your failure or refusal to cooperate with this investigation. As you have been informed, you will be liable for the costs associated with the two scheduled non-cooperation depositions as follows:

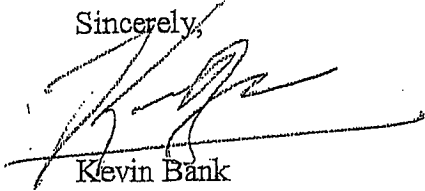
- 1<sup>st</sup> service of subpoena on 11-19-08 = \$100.00 (Affidavit of Service included w/charges)
- Court Reporter invoice for Attendance at 1<sup>st</sup> deposition scheduled on 12-03-08 = \$ 96.19\*\* (Too late to cancel without incurring a fee, \*\* includes 5% discount)
- Attorney fee = \$500.00
- Once we receive the new process server invoice, we will send it to you for reimbursement under separate cover.

Please be advised that we will not cancel or continue this deposition. Your appearance at the deposition in our offices on **Tuesday, January 13, 2009 at 11:00 a.m.** is mandatory. If you fail to appear, we may treat your failure to appear as a violation of disciplinary rules, we may refer this grievance to Review Committee with a recommendation of a public disciplinary hearing without your response, and we may petition the Washington Supreme Court for your immediate interim suspension from the practice of law under ELC 7.2(a)(3).

Dennis K. Pflug  
December 17, 2008  
Page 2

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Sincerely,



Kevin Bank  
Senior Disciplinary Counsel

Enclosure



BEFORE THE DISCIPLINARY BOARD OF THE  
WASHINGTON STATE BAR ASSOCIATION

In Re:

DENNIS K. PFLUG,

Lawyer (Bar No. 11930).

NO. 08-01335

AFFIDAVIT OF SERVICE

State of Washington )


County of King S/S )

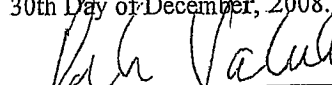
The undersigned, being first duly sworn, on oath deposes and says:

That the undersigned is now and at all times mentioned herein was a citizen of the United States and resident of the State of Washington, over the age of eighteen years, not a party to or interested in the above entitled action, and competent to be a witness therein.

That on **December 29, 2008**, at **12:16 PM**, at the address of **10757 22nd Avenue SW**, Seattle, Washington, affiant duly served **2nd Subpoena Duces Tecum** and **Letter** in the above entitled action upon **Dennis K. Pflug** by then and there personally delivering true and correct copies thereof into the hands of and leaving same with **Dennis K. Pflug** (50ish, white, male, 5'9", slim build, in a wheelchair) named witness.

		Each	Total
Service	1	\$15.00	\$15.00
Mileage/Trips	1	\$35.00	\$35.00
Affidavit	1	\$15.00	\$15.00
Miscellaneous		\$0.00	\$0.00
Miscellaneous		\$0.00	\$0.00
			\$65.00

  
K. Newland King County #9402780  
Subscribed and sworn to me this  
30th Day of December, 2008.

  
Peter A. Valente- Notary Public in and for the  
State of Washington, residing at Seattle.  
Commission expires June 7, 2012